

ORDINANCE NO. G-10-01-28-942

AN ORDINANCE AMENDING CHAPTER 11, SECTIONS 11.409, 11.409.1, 11.423, AND 11.802, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING SCHOOLS IN COMMERCIAL DISTRICTS; TO ADD THE DEFINITION OF "SCHOOL, PRIMARY/SECONDARY, PRIVATE"; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

That Chapter 11, Section 11.409, Subsection (2)(b), Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

11.409 C-1 (GENERAL COMMERCIAL) DISTRICT

(2) Permitted Uses

(b) The following uses are permitted with conditions:

Use	Special Standard
Auto Service Facilities	11.423(3)
Bed and Breakfast	11.423(4)
Carwash	11.423(5)
Commercial Parking	11.423(6)
Eating Establishments	11.423(9)
Indoor Entertainment Activities	11.423(13.2)
Passenger Terminals	11.423(18)
Place of Worship (with accessory uses not exceeding 2,500 sf.)	11.423(19)
Place of Worship (with accessory uses exceeding 2,500 sf.)	11.423(20)
Residential to Office Conversion	11.423(20.1)
School, Primary/Secondary, Private	11.423(22)(e)
Self-Enclosed Monopole	11.423(31)
Self-Service Storage	11.423(23)
Single Family Attached (2 dwelling units)	11.423(24)
Single Family Detached	11.423(24)
Upper-Story Residential	11.423(26)
Utilities, Minor	11.423(27)(a)
Utilities, Intermediate	11.423(27)(b)
Vehicle Sales, Rental, or Leasing Facilities	11.423(29)
Wireless Transmission Facilities, Attached	11.423(31)
Wireless Transmission Facilities, Stealth	11.423(31)

II.

That Chapter 11, Section 11.409.1, Subsection (2)(b), Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

11.409.1 C-1a (GENERAL COMMERCIAL - LIMITED) DISTRICT

(2) Permitted Uses

(b) The following uses are permitted with conditions:

Use	Special Standard
Auto Service Facilities	11.423(3)
Bed and Breakfast	11.423(4)
Carwash	11.423(5)
Commercial Parking	11.423(6)
Eating Establishments	11.423(9)
Indoor Entertainment Activities	11.423(13.2)
Office, Medical	11.423(15)
Passenger Terminals	11.423(18)
Place of Worship, with accessory uses not exceeding 2,500 sf.	11.423(19)
Place of Worship, with accessory uses exceeding 2,500 sf., but not greater than 10,000 s.f.	11.423(20)
Residential to Office Conversion	11.423(20.1)
Retail Sales and Services	11.423(21)
School, Primary/Secondary, Private	11.423(22)(e)
Self-Enclosed Monopole	11.423(31)
Single Family Attached, 2 dwelling units	11.423(24)
Single Family Detached	11.423(24)
Upper-Story Residential	11.423(26)
Utilities, Minor	11.423(27)(a)
Utilities, Intermediate	11.423(27)(b)
Vehicle Sales, Rental, or Leasing Facilities	11.423(29)
Wireless Transmission Facilities, Attached	11.423(31)
Wireless Transmission Facilities, Stealth	11.423(31)

III.

That Chapter 11, Section 11.423, Subsection (22), Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

11.423 SUPPLEMENTARY USE STANDARDS

(22) Schools

(a) Elementary Schools

Elementary schools shall have a front yard setback of not less than 50 feet, shall front on a collector street, and shall not front on an arterial street. Portable classrooms shall not be permitted in any street yard.

(b) Middle Schools

Middle schools shall have a front yard setback of not less than 50 feet and shall front on either a major collector or minor arterial street. Portable classrooms shall not be permitted in any street yard.

(c) High Schools

High schools shall have a front yard setback of not less than 50 feet and shall front on either a minor or major arterial. Portable classrooms shall not be permitted in any street yard.

(d) Business, Trade and Post-Secondary Educational Facilities

Business, Trade and Post-Secondary Educational Facilities shall front on either a minor or major arterial.

(e) Primary/Secondary, Private

(i) No temporary buildings or structures shall be permitted at any time.

(ii) Schools shall front on collector or arterial streets.

IV.

That Chapter 11, Section 11.802, Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to add the definition of "School, Primary/Secondary, Private" to read as follows:

11.802 DEFINITIONS

Term	Definition
School, Primary/Secondary, Private	A private, parochial or charter school offering instruction at the elementary, middle (junior) and/or high school level in the branches of learning and study required to be taught in the public schools of Texas.

V.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Alternative 1.

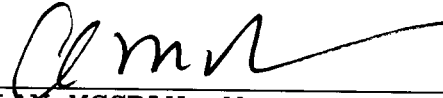
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this 28th day of January, 2010.

Alternative 2.

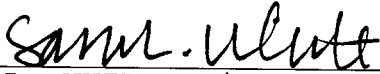
READ and APPROVED on first reading this the _____ day of _____, 2010.

READ, APPROVED and ADOPTED on second reading this the _____ day of _____, 2010.



ALAN MCGRAW, Mayor
City of Round Rock, Texas

ATTEST:



SARA L. WHITE, City Secretary

DATE: January 21, 2010

SUBJECT: City Council Meeting – January 28, 2010

ITEM: 9A2. Consider an ordinance amending Chapter 11, Code of Ordinances, to establish a definition for private primary/secondary schools and allow them in certain commercial zoning districts. (First Reading)

Department: Planning and Community Development

Staff Person: Jim Stendebach, Planning and Community Development Director

Justification:

The Zoning Code currently provides for elementary and middle schools in residential zoning districts only and high schools only in the PF-3 (Public Facilities – High Intensity) zoning district. Private schools, which often combine elementary, middle and/or high school classes into one facility, have requested to operate in existing buildings in commercial districts. Because private schools do not typically serve a specific geographic area and they tend to have fewer students and smaller accessory uses than public schools, they are appropriate for commercial zoning districts.

The revised Code amendment defines private schools and allows them to be located in the C-1 (General Commercial) and C-1a (General Commercial – Limited) zoning districts as long, as no temporary structures are utilized.

Strategic Plan Relevance:

N/A

Funding:

Cost: N/A

Source of funds: N/A

Outside Resources:

N/A

Public Comment:

Public notice was posted and a public hearing held in accordance with the City of Round Rock's Zoning Ordinance at the Planning and Zoning Commission meeting on September 2, 2009.